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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the members of the General Assembly an addendum to the interim report prepared by Mr. Maurice Danby Copithorne (Canada), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 13 of Commission on Human Rights resolution 1996/84 of 24 April 1996 and Economic and Social Council decision 1996/287 of 24 July 1996.

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ANNEX

Statement by the Special Representative on the situation of Human Rights in the Islamic Republic of Iran at the 40th meeting of the Third Committee, on 15 November 1996

1. I come before you to introduce my second interim report under the mandate I have been given by the Commission on Human Rights and by the General Assembly to report on the human rights situation in the Islamic Republic of Iran.

2. In my statement in 1995, I mentioned that I had received an invitation from the Government of the Islamic Republic to visit that country. It also extended an invitation to two of my colleagues, the Special Rapporteur for religious intolerance and the Special Rapporteur for freedom of opinion and expression. I was in Tehran from 9 to 16 February 1996 and I talked about that visit in my report to the Commission on Human Rights of 21 March 1996 (E/CN.4/1996/59). I wish to again express my appreciation to the Iranian authorities for their full cooperation extended to me on that occasion. As delegates will know, I viewed that visit as an introduction to my mandate and expressed the hope that I would be able to visit the Islamic Republic of Iran again over the next 12 months. I am continuing to discuss this prospect with representatives of the Government of the Islamic Republic. I will be in a much better position to assess the situation of human rights in the Islamic Republic after the completion of my second visit to the country.

3. The interim report (A/51/479) attempts to cover the period since my report in March 1996 to the Commission on Human Rights. It is exactly what its title suggests, an interim account, and I would particularly stress the obvious, namely, that I have not visited the Islamic Republic of Iran in the interval, and have therefore not had an opportunity to discuss with the authorities of the Islamic Republic the contents of my report, nor of course an opportunity to verify some of the information independently. Nevertheless, there are a wide range of sources available to me outside the country, which include, among others, Iranian and foreign press materials originating within the country. It was on the basis of such information that I felt I had to reach an interim conclusion as to the direction that human rights seemed to be taking in the Islamic Republic of Iran.

4. Nevertheless, I wish to reiterate what I firmly believe to be the case, that the Islamic Republic of Iran is a dynamic society with change to be found in sometimes unexpected places. In this introduction, I wish to identify several of such situations that have come to my attention since I completed the interim report that you have before you.

5. With regard to the situation of women in the Islamic Republic of Iran, I am informed that the Majlis has voted to create a commission on women's affairs. The commission's membership is to be two thirds women. In a second development, during a visit by the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to Tehran, a senior government official asked for United Nations assistance to improve the scientific and cultural standards of Iranian women. Thirdly, several highly placed women in

the Islamic Republic of Iran have recently called for the improvement of women's conditions and identified specific areas in which change was necessary. These are of course only indicators of potential improvement of the status of women in the Islamic Republic of Iran. I look forward to following their development in the hope that they will lead to such improvement.

6. In October, I was advised in writing by representatives of the Government of the Islamic Republic of the names of 224 prisoners who had benefited from the clemency decree on the occasion of the Prophet's birthday.

7. On the subject of prisoners of war, it was announced that on 26 October, some 150 Iraqi prisoners of war had been unilaterally released by the Islamic Republic of Iran. It was noted that representatives of Iraq and of the International Committee of the Red Cross (ICRC) were present at the ceremony held at the Khosrawi border point in the western part of the the Islamic Republic of Iran.

8. With regard to refugees, both the foreign and Iranian press have noted that, as a result of the political disturbances in northern Iraq, large numbers of Kurdish refugees have entered the Islamic Republic of Iran. According to the latest information reaching me, some 60,000 refugees have crossed the Iranian border from Iraq since these disturbances began. This number fluctuates from time to time and no information is available as to the number that are currently still in the Islamic Republic of Iran. Nevertheless, it is clear that the burden on the Islamic Republic in the matter of refugees has once again grown.

9. I would also note that a number of my inquiries and requests for information put to the authorities of the Government of the Islamic Republic over the last six months have now received responses. Copies of these will be included in the Special Representative's next report to the Human Rights Commission.

10. The Government of the Islamic Republic has submitted to me certain information by way of comment on my report. I am asking that as this reached me too late to be circulated with my report, that it now be circulated as an appendix to the present annex. I would suggest that delegates take into account this information as well as my verbal report, in their consideration of this agenda item.

11. I would like now to make some general remarks. I believe that the dignity of man as expressed in the political culture of a society is a key indicator of the human rights environment in that society. Further, I believe that every death, every act of torture, every indignity performed in the name of the State diminishes that Government and indeed all humanity; the international community as well as its individual members can only speak of progress when human dignity and in particular the ultimate dignity - the dignity of life - is widely and generally respected.

12. I suggest that what is needed, but is so often missing in the world, is a benevolence of leadership. Some peoples have never known this quality in their leaders; some leaders fail to understand its central importance in the system of

human governance. All peoples in all the nations of the world deserve such benevolence.

13. Finally, I would like to draw attention to the importance, as I see it, of nourishing a dialogue with the Government of the Islamic Republic of Iran. While there are some who cast doubt on the willingness of the Government to address international concerns in the matter of human rights, I believe there is a demand for change in the country as a whole, and that it behooves both myself as Special Representative and the international bodies to encourage this prospect. May I encourage delegates to recognize the cooperation that the Government of the Islamic Republic of Iran has given to my mandate so far and that there is every indication that it will continue to do so.

APPENDIX

Response of the Government of the Islamic Republic of Iran to the report of the Special Representative on the situation of human rights in the Islamic Republic of Iran*

1. The Special Representative's conclusion, as mentioned in his report, was made solely on the basis of the information provided to him, without it being verified as it is necessary in the implementation of the Special Representative's mandate. It was expected that the Special Representative, as he plans to visit the country to deepen his understanding of the actual situation, will be able to come up with a conclusion based merely on the facts and nothing else.

2. Quite contrary to the Special Representative's approach quoted in the first paragraph of the report stating that "his function was to bring the status of human rights in Iran into clear focus, providing at the same time an indication of areas in which progress was being made and areas in which further progress was needed", he appeared to be quoting merely the negative information brought up by the opposition circles without any reference to the great progress which has been made throughout the years in the country.

3. Any definitive conclusion at this stage, would be, in our view, presumptuous, as it substantially lacks the elements deemed to be essential to draw such conclusion.

4. The following paragraphs deal with the relevant paragraph of the Special Representative's report highlighting the shortcomings of the report.

A. Democracy (paras. 5-7)

5. Since 1979, the Islamic Republic of Iran has held five rounds of parliamentary elections and six rounds of presidential elections and so many other elections. The mere suggestion that some irregularities were alleged during the recent general election would indeed not constitute strong argument to question the entire democratic system, as democracy in the Islamic Republic of Iran is institutionalized.

6. The positive trends and progress that have been ignored in the report in this regard are as follows:

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* Note by the Special Representative. The Special Representative believes that the situation of human rights in the Islamic Republic of Iran should be considered in conjunction with the information provided to him by the Government that was not available to him at the time of preparing his report. The Special Representative intends to examine the situation in the light of this new information during his second visit to the country.

(a) The active participation of people and the formation of different political groupings in the process of election;

(b) Lively competition and free debate between the candidates in a free political environment;

(c) Numerous facilities offered by the Government to all candidates to present their views and programmes;

(d) Strict observance of the Constitution by the Government in the election.

B. Social climate (paras. 8 and 9)

7. The view that the Government refused to intervene to counter certain behaviour of some non-governmental organizations in the country that may have had tolerant attitudes is totally unacceptable. On the contrary, the Government has initiated major steps in this regard, including:

(a) Formal condemnation by the Ministry of the Islamic Guidance of any attack against the cultural and sports centres and of any move summoning the specified groups to the Ministry of Interior to demand respect for the rule of law and the rights of people to spread intolerance in the country;

(b) Examination by the jury of the complaints lodged on the non-observance by the press and thus further acquittance of some editors-in-chief;

(c) Granting licence to two new press syndicated groups, namely "Iranian Journalist Association" and "Press Cooperative".

8. Moreover it should also be acknowledged that the recent statement of the Leader and the President of the Islamic Republic represents the general policy of the Islamic Republic to promote freedom of expression in the society and encourage the publishers, editors, writers and translators to continue their activities in the country (annex 3*).

C. Judicial, legal and penal practices (paras. 10-14)

9. The view of the Special Representative that the punishment regime in the Islamic Republic of Iran has been significantly toughened is based on misquoted information.

10. There has been no resumption of amputation in the country since 1992 when the punishment regime entered into force.

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* See enclosure to the present appendix.

11. The general prosecutor, Ayatollah Moghtadai, was indeed misquoted. In this regard, his interview was designed to introduce mainly the new punishments of imprisonment and imposition of new fines on those convicted of theft.

12. Furthermore, some changes in the new law of Ta'zzirat passed in 1996 are mentioned in annex 1.*

13. The allegation contained in paragraph 13 (b) about Mr. Mehrdad Kalani is totally unfounded. No one has been punished on the charge of meeting with the former Special Representative, Mr. Galindo Pohl. Mr. Kalani was convicted of activities against national security, particularly in the assassination of the government officials and personalities, and active participation in the MKO military operations against the Islamic Republic of Iran from the Iraqi territory.

D. Pressure on relatives (paras. 15 and 16)

14. In paragraph 15 (a) the story concocted by MKO to cover up the harassment and beating of Mrs. Marzieh's son in a public place is quoted as an example of pressure on relatives by the Government.

15. The arrest of Mrs. Mirhosseini on the charge of possession of narcotics is irrelevantly linked with her sister's political activity abroad (she was subsequently released on bail).

16. The invitation of some families in the Islamic Republic of Iran extended to their relatives to return to the country which is thought by some individuals to have been extended under government pressure is quoted as an instance of pressure on relatives. If the trouble had been taken to check the issue with any Iranian abroad, the absurdity of the accusation would become evident.

E. Violence outside the Islamic Republic of Iran (paras. 17-19)

17. The information and allegations in this regard are as follows:

(a) All allegations levelled by some European courts against the Islamic Republic of Iran are refuted by the Government;

(b) The military operations of the Islamic Republic of Iran against the bases of the terrorist groups in exercise of the inherent right to self-defence in accordance with the Charter of the United Nations cannot be linked by any means to the human rights situation in the Islamic Republic of Iran.

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* See enclosure to the present appendix.

F. Refugees (paras. 21-23)

18. No connection exists between the situation of refugees in Turkey and the human rights situation in the Islamic Republic of Iran. In the meantime the groups mentioned in the report were not considered as refugees by the Office of the United Nations High Commissioner for Refugees (UNHCR). Some European countries have also rejected these groups as refugees. Accordingly, the pertinent paragraphs in this regard are totally irrelevant.

G. Situation of the Baha'is (paras. 24-29)

19. There has not been any new development with regard to the situation of Baha'is in the Islamic Republic of Iran. The allegation contained in paragraph 26 that the admission of the Baha'i students to the fourth year of high schools is prevented by the Government is baseless and strongly denied.

H. Women (paras. 35 and 36)

20. In spite of great progress made on the situation of women, no reference has been made to this fact. In paragraph 35 the positive developments in this regard are not viewed as measures initiated by the Government, whereas in paragraph 36 the activities of groups not belonging to the Government are presented as activities linked to the Government.

21. The latest developments in the field of women are as follows:

(a) Establishment of a special commission on family and women affairs in the Majlis;

(b) Formation of an expert group for the promotion of the rights of women and its reinforcement in the society;

(c) A considerable increase in the number of women deputies in the Majlis;

(d) Numerous measures in the creation of women's study courses.

Enclosure

List of annexes to the appendix*

1. A comparative text on the reduction and dilution of some of the punishments in the new law of "discretionary corrections" with regard to the previous law, which shows that the laws have become more relaxed.

2. Statement by the Leader of the Islamic Revolution, Ayatollah Seyed Ali Khamenei in Orumiyeh concerning the rights of women.

3. Statement by the Leader of the Islamic Revolution on the importance of book-reading and the necessity to put aside narrowmindedness in the selection of books.

4. Statement by the President of the Islamic Republic of Iran on the occasion of the Fourth Book Week.

5. Statements by Mrs. Habibi, the President's Adviser on Women's Affairs, about the legal problems of women and the necessity to acquaint them with their rights, as well as the necessity to amend the relevant laws and their implementation process.

6. Statements by Mrs. Dastjerdi, Member of Parliament, about the establishment of the Special Committee for Women and the Family in the Islamic Consultative Assembly (Majlis) and its duties.

7. Statements by Ayatollah Yazdi, the Judiciary Chief pertaining to assuming judiciary posts by women.

8. Statements by Mr. Karouby about the resumption of political activities of the "Rohanion-E Mobarez" as a political grouping.

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11. Statement by the President, on the occasion of Women's Day, regarding the overall advancement of women in the country's development process.

12. Statement by the Ministry of Culture and Islamic Guidance on the attack against Qouds Theater and assault and battery of people.

13. Statement by the Leader at a meeting with members of the Women's Culture and Social Council.

14. Report on the granting of a medal of honour to four women by the President of the Islamic Republic of Iran.

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* Note by the Special Representative. With the agreement of the Iranian officials, the texts of the annexes listed are not reproduced in the present document.

15. News item concerning the publication of a newspaper especially on women's affairs.

16. News item concerning the granting of licences for 22 new publications.

17. Statement by the Leader of the Islamic Republic of Iran, Ayatollah Seyed Ali Khamenei, in a meeting with members of the Women's Social and Cultural Council, on the necessity of review of the women's problems in family and society.